

**REMARKS/ARGUMENTS**

These remarks address the rejections stated in a Final Office Action mailed October 2, 2003 in parent application number 09/686,190.

As an initial matter, Applicants note that all pending claims in U.S. Application No. 09/686,190, have been filed in the present continuation. The claims have been filed incorporating all amendments made in the parent application as well as additional changes to claims 1, 41, 48, 63, and 80, as shown above.

The claims in the parent application were subject to an Election of Species Requirement. As all independent claims are now believed to be allowable, however, Applicants believe that the species election requirement has been overcome.

The rejection of the claims for indefiniteness has been overcome by amending a number of the independent claims to recite that "a plurality" of appliances are being generated. As helpfully noted by the Examiner, this overcomes both the indefiniteness rejections and the prior art rejections stated over the third party prior art.

A number of the claims were also rejected as being obvious over certain commonly assigned prior patents. By filing this application as a Continuation, however, the application of 35 U.S.C. § 103 is now under the new amendments which exclude such rejections for obviousness under commonly assigned art. That is, as the commonly assigned art will only have been available under 35 U.S.C. § 102(e), the location of that art is now prohibited by 35 U.S.C. § 103(c). Applicants note that all patents which have been noted in the rejection have been owned by the assignee of the present application at all relevant times.

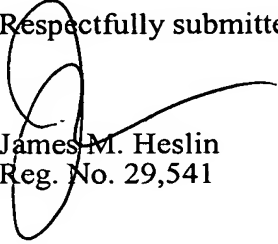
The objection to claim 41 has been overcome by deleting the phrase which has been objected to.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
Attachments  
JMH:jke  
60087137 v1